

REMARKS

The Board reversed the Examiner's rejection of claims 1-12 and 15-33 under 35 U.S.C. 102(e). The Board also reversed the Examiner's rejection of claims 13 and 14 under 35 U.S.C. 103(a).

The Board entered a new ground of rejection, rejecting claims 20-28 under 35 U.S.C. 112, second paragraph, as being indefinite.

35 U.S.C. §112, Second Paragraph

The Board found that claim 20 lack proper antecedent basis for "the plurality of data collectors" and argued that it was unclear whether "the plurality of data collectors" is related to the "plurality of monitors dispersed throughout a network."

Applicant has amended claim 20 to delete monitors and replace with collectors, thus overcoming this point and all subsequent instances of lack of antecedent basis for "the data collectors." Applicant has further amended claim 20 to provide antecedent basis for "the statistical information," and "the source," and "the gateway."

The Board also found that "... the language "a control center" in claim 20 is unclear since we are uncertain as to what are the limitations on the control center from the claims." Applicant has amended the claim to address this rejection. As amended, claim 20 now calls for a computer readable medium storing a computer program product to cause the control center to perform certain actions.

The Board also stated that "Similarly, we are unclear as to what is the subject matter being claimed. In particular, we are unclear as to whether the subject matter of claim 20 is a machine, process, both or neither." Claim 20, as amended, is directed to a system comprising a processor and memory and a computer readable medium storing a computer program product for causing a computer to perform certain actions.

In view of the above independent claim 20 and its dependent claims 21-28 are now proper under 35 U.S.C. 5 112, second paragraph .

Applicant has also deleted the terms "the victim site," and "victim" from claims 2-5, 10, 13 and 14.

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In view of the reversal by the Board of all claims over the prior art cited and in view of claim 20 including *inter alia* send queries to data collectors to request statistical information collected by the data collectors based on network traffic, all of the claims are allowable over the cited art and the case is now in condition for allowance.

No fee is due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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